



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

OCT 22 2018

David Mairo
Chiesa Shahinian & Giantomasi PC
One Boland Drive
West Orange, NJ 07052

Re: Peninsula Boulevard Groundwater Plume Superfund Site
Area of Concern 2 of Operable Unit 2
Hewlett, New York

Dear Mr. Mairo,

This letter supplements EPA's September 28, 2018, correspondence concerning the Area of Concern 2 (AOC 2) portion of Operable Unit 2 (OU2) of the above-referenced Site. EPA is now in receipt of your September 26, 2018, letter on behalf of your client, The Lucky Acres Company, concerning your client's property at AOC 2 (the "Piermont Property"). I am writing to address the matters raised in your letter with the hope that EPA and The Lucky Acres Company may continue to work productively together as the remedy for AOC 2 is designed and implemented.

We regret to hear your disappointment with EPA's technical findings regarding the Piermont Property. As previously communicated, EPA conducted an extensive remedial investigation for OU2, which was expressly aimed at identifying the source areas of groundwater contamination at the Site. The data collected during that investigation, as summarized in my letter dated September 12, 2018, was the basis for EPA's determination that your client's property is a source area of contamination. Area of Concern 1 (AOC 1), which includes the Cedarwood Cleaners facility, has also been designated a source area of contamination and will be addressed by EPA as part of the remedial design. As you are aware, the 2017 Record of Decision (ROD) for the Site selects a remedial alternative for AOC 1 that includes heat-enhanced plume attenuation and is expected to cost approximately \$21.5 million. The remedial alternatives at both AOC 1 and AOC 2 will be designed to achieve the remedial action objective of restoring the groundwater at the Site to drinking-water standards.

EPA requested that your client provide EPA with a definitive response regarding its willingness and ability to conduct or finance the AOC 2 portion of the OU2 remedy by September 26, 2018. Your client was first presented with this request in a letter dated September 29, 2017. Your recent letter indicates that your client and Piermont Cleaners are of limited financial means and that it is not reasonable to expect the parties to commit to perform a multimillion dollar cleanup. Your letter further states that The Lucky Acres Company will continue to evaluate what can be done to document the accuracy of your consultant's finding that AOC 1 is the sole source of contamination beneath the Piermont Property. The letter finally expresses your client's interest in negotiating a settlement that accounts for "the magnitude of contamination detected beneath the AOC 2/Piermont Property when compared to the AOC 1/Cedarwood Dry Cleaning Site." Based

on these assertions, it is our continued conclusion that, at this time, your client is unwilling and/or financially unable to perform or finance the AOC 2 portion of the OU2 remedy, as that remedy was selected and described in the ROD.

At this juncture, EPA is preparing to commence the remedial design for OU2 of the Site at both AOC 1 and AOC 2. The remedial design process will necessarily involve EPA presence at the Piermont Property for the purposes of performing site reconnaissance, geophysical surveying, monitoring activities, and sampling activities. The sampling activities, in particular, are anticipated to include the collection of soil borings, soil-gas sampling, monitoring well installation, and groundwater sampling. As the remedial design activities are expected to commence shortly, we respectfully request that your client inform EPA whether it will voluntarily grant EPA access to the Piermont Property to perform the work. Please be advised that the remedial design work at the Piermont Property is expected to be intermittent and will be needed for a period of up to 18 months.

If you have any questions regarding this letter, please contact Margo Ludmer, Assistant Regional Counsel, at (212) 637-3187 or ludmer.margo@epa.gov. Your consultant may contact Gloria Sosa, Remedial Project Manager, at (212) 637-4283 and sosa.gloria@epa.gov, with any technical questions regarding the Site. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Pietro Mannino', followed by a long horizontal flourish.

Pietro Mannino, Section Chief
Western New York Remediation Section
New York Remediation Branch
Emergency & Remedial Response Division

cc: Kenneth Elan, Esq. (via electronic mail)